

REMARKS/ARGUMENTS

This is a full and timely response to the non-final Office Action of June 6, 2005. Upon entry of this response, Claims 1-22, 26, 28-32, 43-46, 49-63, 67, 69-74, 86, and 88-89 remain pending in the application. Claims 23-25, 27, 33-42, 47-48, 64-66, 68, 75-85, and 87 have been canceled with this response.

Rejection of Claims 1-5, 8-44, and 47-89 under 35 U.S.C. §102(e)

On Page 2 of the Office Action, Claims 1-5, 8-44, and 47-89 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0146836 A1 to *Wood* (hereafter '*Wood*'). Although the Applicant does not necessarily agree with the current rejection of these claims, Applicant has amended the claims in order to more clearly recite the claimed invention.

Independent Claim 1

Independent Claim 1, which is directed to a system for transporting a product via a carrier, has been amended for further specificity. Support for these amendments can be found throughout the specification, including in the description of Figures 1, 2 and 4. Claim 1 as currently amended is reproduced below for the Examiner's convenience:

1. A system for transporting a product via a carrier, the system comprising:
 - an environmental sensor physically associated with a product, the environmental sensor configured to record product environment data during transport of the product through the carrier's logistics network;
 - at least one scanner for reading the product environment data from the sensor at one or more locations within the carrier's logistics network; and
 - a computer connected to communicate with the at least one scanner, the computer configured for:
 - determining, based on the product environment data, whether the environmental condition of the product has transcended a limit during transport;
 - routing the product through the carrier's logistics network to a first receiver so long as the determining has not established that the environmental condition has transcended the limit; and
 - rerouting the product through the carrier's logistics network to a second receiver, different from the first receiver, if the determining establishes that the environmental condition has transcended the limit.

As emphasized above, amended Claim 1 includes the limitations of: routing the product through a carrier's logistics network to a first receiver so long as the environmental condition of the product has not transcended a limit, and rerouting the product through the carrier's logistics network to a second receiver, different from the first receiver, if the environmental condition of the product has transcended the limit. It is respectfully submitted that neither *Wood* nor any of the other references cited by the Examiner teach or suggest a system that is configured for performing these steps, which occur *during* transport of the product through a carrier's logistics network. Thus, for at least these reasons, Applicant respectfully asserts that Claim 1 as amended is patentable over the prior art cited by the Examiner. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2-5, 8-22, 26, and 28

Claims 2-5, 8-22, 26, and 28 depend from Claim 1, and include all of the limitations of that claim plus additional limitations that are not taught or suggested by the prior art. For instance, dependent Claim 2 provides that the rerouting step performed by the computer of Claim 1 comprises generating an updated transporting instruction that is transmitted to at least one point within the carrier's logistics network for performance of transporting the product to the second receiver. Dependent Claim 26 provides that the computer is further configured for storing the product environment data in association with tracking data in a database, wherein the tracking data identifies when and where at least one scanning of the product was performed within the carrier's logistics network. Applicant respectfully asserts that *Wood* does not teach or suggest storing product environment data *in association with* tracking data that shows the movement of the product through a carrier's logistics network. Accordingly, for the reasons set forth above, Applicant respectfully submits that Claims 2-5, 8-22, 26, and 28 are in condition for allowance and, thus, requests that the Examiner withdraw the current rejection of these dependent claims under 35 U.S.C. §102(e).

Independent Claim 29

Independent Claim 29 is a method claim that corresponds generally to independent Claim 1, which is directed to a system. More specifically, Claim 29 is directed to a method of transporting a product via a carrier, which includes the steps of: routing a product through a carrier's logistics network to a first receiver so long as the environmental condition of the product has not transcended a limit; and rerouting the product through the carrier's logistics network to a second receiver, different from the first receiver, if it is determined that the environmental condition of the product has transcended the limit. Thus, for at least the reasons set forth above in regard to Claim 1, Applicant respectfully asserts that Claim 29 is patentable over the prior art cited by the Examiner. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 30-32, 43-44, and 49-63

Dependent Claims 30-32, 43-44, and 49-63 depend from independent Claim 29 and include all of the limitations of that claim plus additional limitations that are not taught or suggested by the prior art. Accordingly, for at least the reasons set forth above, Applicant respectfully asserts that these claims are in condition for allowance and, thus, requests that the Examiner withdraw the current rejection of these dependent claims under 35 U.S.C. §102(e).

Independent Claim 67

Independent Claim 67, which is directed to a method of transporting a product via a carrier, has been amended to more clearly recite the claimed invention. Support for these amendments can be found throughout the specification, including in the description of Figures 1-3 and 5-6. Claim 67 as currently amended is reproduced below for the Examiner's convenience:

67. A method of transporting a product via a carrier, the method comprising:
physically associating an environmental sensor with the product;
reading product environment data from the environmental sensor at one or more locations within the carrier's logistics network, the product environment data having been recorded by the environmental sensor during transport;

receiving the product environment data in association with product identification data at a computer system;

storing the product environment data in association with the product identification data in a database portion of the computer system;

receiving tracking data in association with the product identification data at the computer system, the tracking data identifying when and where at least one scanning of the product was performed within the carrier's logistics network; and

storing the tracking data in association with the product identification data and the product environment data in the database portion of the computer system.

Claim 67 includes the step of storing tracking data in association with the product environment data that has been recorded by the environmental sensor during transport, the tracking data identifying when and where at least one scanning of the product was performed within the carrier's logistics network. As indicated above, Applicant respectfully asserts that neither *Wood* nor any of the other references cited by the Examiner teach or suggest storing product environment data *in association with* tracking data that shows the movement of the product through a carrier's logistics network. Thus, for at least these reasons, Applicant respectfully asserts that Claim 67 as amended is patentable over the prior art cited by the Examiner. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 69-74

Claims 69-74 depend from Claim 67, and include all of the limitations of that claim plus additional limitations that are not taught or suggested by the prior art. For instance, dependent Claim 73 provides the additional steps of: receiving a request from a remote computing device to access information associated with the movement of the product through the carrier's logistics network; and responsive to said request, transmitting the product environment data *in association with* the tracking data for the product to said remote computing device. Dependent Claim 74, which depends from Claim 73, further provides the steps of: determining whether the user making the request is authorized to access the product environment data based on user identification data received with the request; and selectively transmitting the product environment data to the user, if the determining step establishes that the user is authorized to

access the product environment data. Accordingly, for the reasons set forth above, Applicant respectfully submits that Claims 69-74 are in condition for allowance and, thus, requests that the Examiner withdraw the current rejection of these dependent claims under 35 U.S.C. §102(e).

Independent Claim 86

Independent Claim 86 is a computer-readable medium claim that includes the limitation of storing tracking data in association with the product environment data that has been recorded by the environmental sensor during transport, the tracking data identifying when and where at least one scanning of the product was performed within the carrier's logistics network. Thus, for at least the reasons set forth above in regard to Claim 67, Applicant respectfully asserts that Claim 86 is patentable over the prior art cited by the Examiner. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 88-89

Dependent Claims 88-89 depend from Claim 86. Accordingly, for at least the reasons set forth above, Applicant respectfully asserts that these claims are in condition for allowance and, thus, request that the Examiner withdraw the current rejection of these dependent claims under 35 U.S.C. §102(e).

Rejection of Claims 6-7 and 45-46 under 35 U.S.C. §103(a)

On Page 19 of the Office Action, Claims 6-7 and 45-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Wood* as applied to Claims 1 and 30, and further in view of U.S. Pub. No. 2005/0073406 A1 to *Easley* et al. (hereafter '*Easley*').

To establish a *prima facie* case of obviousness, three basic criteria must be met. These criteria are as follows: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2143. Applicant respectfully asserts that the prior art

references cited by the Examiner do not teach or suggest all of the limitations of Applicant's claims as currently amended.

Claims 6-7 and 45-46 depend from Claims 1 and 29, respectively, and include all of the limitations of those claims plus additional limitations that distinguish over the prior art. Independent Claims 1 and 29 as amended each include the limitations of: "routing the product through the carrier's logistics network to a first receiver so long as the determining has not established that the environmental condition has transcended the limit; and rerouting the product through the carrier's logistics network to a second receiver, different from the first receiver, if the determining establishes that the environmental condition has transcended the limit." It is respectfully submitted that neither *Wood* nor *Easley* teach or suggest these limitations, which occur during transport of the product through the carrier's logistics network. Accordingly, Applicant respectfully submits that dependent Claims 6-7 and 45-46 are patentable over the prior art references cited by the Examiner and, thus, requests that the Examiner withdraw the current rejection of these dependent claims under 35 U.S.C. §103(a).

Conclusion

In view of the remarks presented above, it is respectfully submitted that Claims 1-22, 26, 28-32, 43-46, 49-63, 67, 69-74, 86, and 88-89 of the application are now in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney at (404) 881-7452 to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

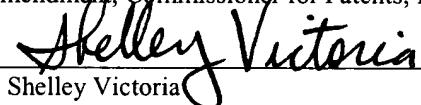


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